

State of Nevada

Financial Disclosure Statement Guide



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Provided by

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PREFACE

The Secretary of State's office has prepared this brief summary of information to provide a general understanding of the requirements for filing statements of financial disclosure (FDS) pursuant to NRS Chapter 281. **It is important to note that this guide is for general information related to filing FDS and agency enforcement only, and it does not have the force and effect of Nevada law, regulation, or rule.** Interested citizens should obtain the most recent version of NRS, as laws are amended each legislative session. Interested parties should also be aware that election issues are periodically addressed by the Attorney General or by State and Federal courts. Due to the general scope of this guide, some of these issues may not be addressed here. Interested parties should review Attorney General Opinions and court decisions, and they should contact the Secretary of State or a Nevada attorney with any specific questions. If you have further questions, please contact the Elections Division.



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WHO HAS TO FILE A FDS AND WHEN?

Financial Disclosure Statements (FDS) are required to be filed by all elected officials and by appointed public officers who are compensated \$6,000 or more and most candidates.¹ Judges and Judicial Candidates are required to file a financial disclosure with the Administrative Office of the Court (AOC).

There are three types of FDS: Annual, Appointment and Candidate.

Annual FDS

The Annual FDS is due not later than January 15th and covers the preceding calendar year [NRS 281.559(1)(b) & NRS 281.561(1)(b)]. It must be filed by the following public officers:

- All public officers holding an elected office *regardless of salary*
- All public officers holding a non-elected office AND salary is \$6,000 or more
- All state legislators.

Appointment FDS

The Appointment FDS is due not later than 30 days after the public officer's date of appointment [NRS 281.559(1)(a)]. It must be filed by the following appointed public officers:

- All public officers appointed to an office entitled to receive \$6,000 or more
- All appointments to the state Legislature

Candidate FDS

The Candidate FDS is due not later than 10 days after the end of candidate filing (e.g., March 24, 2014) and covers the preceding calendar year plus January 1 of the current year thru the date the FDS is filed [NRS 281.561(1)(a)]. It must be filed by the following candidates:

- All candidates seeking a public office entitled to receive \$6,000 or more
- All candidates for the office of state Legislator
- All public officers previously elected to the office they are serving (e.g., incumbents) *regardless of salary*

¹ According to NRS 281.561(3), persons elected as a supervisor of a conservation district, pursuant to NRS 548.285, do not have to file the FDS.

Who is a Public Officer?

For the purposes of the NRS Chapter 281 FDS, a public officer is defined by NRS 281.005(1) as follows:

1. “Public officer” means a person **elected or appointed** to a position which:

- (a) Is established by the Constitution or a statute of this State, or by a charter or ordinance of a political subdivision of this State; and
- (b) **Involves the continuous exercise**, as part of the regular and permanent administration of the government, **of a public power, trust or duty**. [Emphasis added.]

Pursuant to NRS 281.574, lists of each public officer are to be filed with the Secretary of State by no later than December 1 of each year. The lists are to be submitted from each county clerk, each city clerk, the Director of LCB (Legislative Branch), and the Chief of the Budget Division of the Department of Administration (Executive Branch). If you are unclear as to whether you are a “public officer” required to file a FDS, please contact the Secretary of State’s Elections Division. The above-referenced public officer lists are also public records that may be made available upon request.

WHAT FINANCIAL INFORMATION NEEDS TO BE DISCLOSED?

NRS 281.571(1)(a) – (g) set forth the information and content that must be disclosed on the FDS by candidates and public officers. The FDS form and online filing process will walk the user through each of these categories. The disclosure categories are as follows:

- (a) The candidate’s or public officer’s length of residence in the State of Nevada and the district in which the candidate for public office or public officer is registered to vote.
- (b) Each source of the candidate’s or public officer’s income, or that of any member of the candidate’s or public officer’s household who is 18 years of age or older. No listing of individual clients, customers or patients is required, but if that is the case, a general source such as “professional services” must be disclosed.
- (c) A list of the specific location and particular use of real estate, other than a personal residence:
 - (1) In which the candidate for public office or public officer or a member of the candidate’s or public officer’s household has a legal or beneficial interest;
 - (2) Whose fair market value is \$2,500 or more; and
 - (3) That is located in this State or an adjacent state.

(d) The name of each creditor to whom the candidate for public office or public officer or a member of the candidate's or public officer's household owes \$5,000 or more, except for:

(1) A debt secured by a mortgage or deed of trust of real property which is not required to be listed pursuant to paragraph (c); and

(2) A debt for which a security interest in a motor vehicle for personal use was retained by the seller.

(e) If the candidate for public office or public officer has received gifts in excess of an aggregate value of \$200 from a donor during the preceding taxable year, a list of all such gifts, including the identity of the donor and value of each gift, except:

(1) A gift received from a person who is related to the candidate for public office or public officer within the third degree of consanguinity or affinity.

(2) Ceremonial gifts received for a birthday, wedding, anniversary, holiday or other ceremonial occasion if the donor does not have a substantial interest in the legislative, administrative or political action of the candidate for public office or public officer.

(f) A list of each business entity with which the candidate for public office or public officer or a member of the candidate's or public officer's household is involved as a trustee, beneficiary of a trust, director, officer, owner in whole or in part, limited or general partner, or holder of a class of stock or security representing 1 percent or more of the total outstanding stock or securities issued by the business entity.

(g) A list of all public offices presently held by the candidate for public office or public officer for which this statement of financial disclosure is required.

Reporting Gifts

NRS Chapter 281 does not impose any limits on the amount of gifts a candidate or public officer may receive². It only requires disclosure of most gifts of aggregate value in excess of \$200.

The disclosure requirement does not require disclosure of each and every gift received by a candidate or public officer – only those gifts from a single person or organization, i.e., donor, with an aggregate value of more than \$200 as required by the statute with exceptions for:

² The Nevada Commission on Ethics has primary jurisdiction to enforce NRS 281A.400, which generally restricts the acceptance of gifts that would tend to improperly influence a reasonable person in the public officer's or employee's position to depart from the faithful and impartial discharge of the public officer's or employee's public duties.

(i) gifts from relatives within the third-degree of consanguinity or affinity³; and (ii) ceremonial gifts as long as the donor does not have a substantial interest in the legislative, administrative or political action of the candidate or public officer.

Furthermore, reportable gifts do not include campaign or political contributions, as defined by NRS 294A.007 and reported in compliance with NRS Chapter 294A.

How To File A Financial Disclosure Statement (FDS)

FIRST STEP, access Secretary of State's Website at: **www.nvsos.gov**

SECOND STEP, go to the "Election Center" column on the home page and select the appropriate filing:

- File Contributions & Expenses Reports / Financial Disclosure Statements

THIRD STEP, you will be at the page titled "AURORA: Online Financial Disclosure and Campaign Contributions & Expenses Filing System."

- Login if you already have an Aurora online filing account; OR
- Create a new account

IF YOU ALREADY HAVE AN ACCOUNT → skip to "Third Screen" directions below.

- * **PLEASE NOTE:** only one (1) account is needed to file all types of financial reports including C&E Reports

IF YOU NEED TO CREATE A NEW ACCOUNT →

FIRST SCREEN: you will enter your login, password, name, email and Association (for "Association" you will need to select "Individual")

SECOND SCREEN: you will select the individual the online filing account will be associated with.

³ NAC 281A.310 directs which donors are within the third-degree of consanguinity or affinity for the purposes of NRS 281.571.

- IF you have filed a FDS in the past, please locate your name under the “Select Existing Individual” menu.
 - If you select an existing name, but the existing information has changed, please contact the Elections Division to update the information in AURORA by calling (775) 684-5705.
- IF you have not filed a FDS in the past (or cannot find your name in the existing individual menu), enter your name and appropriate information into the “Enter New Individual” menu.
- **“Individual Type” Selection:** This is a required field. You will need to choose “Political Candidate”
- **“Office” Selection:** This is an optional field. If your office is not listed, please contact the Elections Division (775-684-5705) and AURORA will be updated to include the office you are seeking.

Be sure to select “Save” before you move on to the next page!

THIRD SCREEN: next you will see the “My Saved Filings” screen. If this is a newly created account, you will not see any reports listed on this page. In the future, this will be the page that you will be directed to when you login. This page will show you all of your **Filed Reports** and **Reports Not Filed** (i.e., saved drafts of reports that have not yet been submitted for filing).

- To begin filing a FDS, select the link titled “Click here to create a new filing.”

FOURTH SCREEN: pick which report you want to file and select “Proceed.”

FILLING OUT THE FDS FORM IN AURORA

FIRST, select the appropriate report to file AND enter in the filer information.

- Please Note: you will need to select the appropriate form type from the following options:
 - Annual Financial Disclosure
 - Appointment Financial Disclosure
 - Candidate Financial Disclosure
- You will be required to fill in the boxes for “Length of Residence in NV” and “Length of Residence in District Where Registered to Vote.”
- If you are filing an amended report, please select as appropriate on this page.
- Select Save & Proceed at the bottom of the page before moving on.

SECOND, begin entering your financial disclosure information as required in Sections A through F.

- Select the blue plus sign (+) to enter or “add” a new record; be sure to select “Save” after each entry.
- If you have nothing to disclose in a particular section, be sure to select that you have nothing to declare.
- You should refer to NRS Chapter 281 and the information herein should you have any questions as to what financial information you are required to disclose.

THIRD, when you are finished filling out all the sections of the FDS, it is recommended that you review your statement prior to submitting.

- On the summary page, select “Printer Friendly Report” to review your statement prior to submission.
- Please make sure that your financial disclosures have been entered accurately.

FOURTH, when you are ready to submit your FDS you will need to select “Submit Report” on the summary page.

- You will then be required to Declare Under Penalty of Perjury that the statement you are submitting is true and correct. You will also be required to agree to the Terms & Conditions and type in your name before you may formally submit your report.
- This page also allows you to review your FDS prior to submission by selecting “Review FDS one last time in its entirety.”
- When you are ready to submit, select “Submit this Report Now.”
- Once filed, you will receive a confirmation e-mail and your submitted report may be viewed on the “My Saved Filings” page.

***** When you are finished with your report, be sure to select “Logout” in the upper right hand corner of the screen!!***